

Remarks

Status of the Claims

It is respectfully requested that the instant reissue application be amended as set forth above so as to cancel claim 2, to amend claims 1, 3, 5, 8, 13, 17, 20, 23, 26, 29, 32, 35, and 38, and to add claims 41-52. Thus, claims 1, 3-10, 12-20, 23-34, and 36-47 are now pending.

Support for Claim Changes and Newly Presented Claims

Support for the limitations added to claims 1, 3, 5, 8, 13, 17, 20, 23, 26, 29, 32, 35, and 38, may be found, for example, and without limitation, at Figs. 2 and 7, column 3, line 26 through column 5, line 15, column 10, line 28 through column 11, line 39, column 12, line 27 through column 13, line 45, column 13, line 57 through column 16, line 43, and column 17, line 22 through column 19, line 8 of the patent, U.S. Patent No. 6,214,400 ('400 patent). Support for new claims 37-47 may be found, for example and without limitation, at Figs. 2 and 7, column 3, line 26 through column 5, line 15, column 10, line 28 through column 11, line 39, column 12, line 27 through column 13, line 45, column 13, line 57 through column 16, line 43, and column 17, line 22 through column 19, line 8 of the '400 patent.

Claim 1 has been amended by adding the claim limitations found in original dependent claim 2 of the '400 patent.

Claims 5, 8, 13, 17, 20, 23, 26, 29, 32, 35, and 38 have each been amended into independent form by adding the claim limitations found in original claim 1 of the '400 patent.

Newly presented independent claims 41-45 and 47-52 each include the claim limitations recited in original independent claim 1 of the '400 patent as well as additional claim limitations.

With regard to newly presented independent claim 41, support for the "first manifold" and "second manifold" claim limitations recited in paragraph a) of claim 41 can be found at, for example, Figs. 5-8 of the '400 patent, which each depict a blancher equipped with a plurality of manifolds. Support for the additional claim limitations recited in the last paragraph of claim 41 can be found at, for example, Figs. 5-8 (lengthwise oriented manifold 96), column 10, lines 18-

26 (existing quadrant), and column 12, lines 26-38 and lines 55-60 (existing quadrant) of the ‘400 patent.

Newly presented independent claim 42 includes the claim limitations recited in newly presented independent claim 41 except for the “first manifold” and “second manifold” claim limitations. Claim 42 further includes the “20 gallons per minute per foot of manifold” claim limitation recited in the second to last paragraph of this claim for which support can be found at, for example, column 4, lines 24-25 and column 11, line 9 of the ‘400 patent.

Newly presented independent claim 43 includes the claim limitations recited in newly presented independent claim 41 including the “first manifold” and “second manifold” claim limitations. Claim 43 also includes the “20 gallons per minute per foot of manifold” claim limitation recited in the second to last paragraph of claim 42.

Newly presented independent claim 44 also includes the claim limitations recited in newly presented independent claim 41 including the “first manifold” and “second manifold” claim limitations. Claim 44 further includes the additional claim limitations recited in its last paragraph, for which support can be found at, for example, column 12, lines 48-66 of the ‘400 patent (e.g., water discharged from orifices of at least one manifold and gas discharged from orifices of at least one other manifold).

Newly presented independent claim 45 includes the claim limitations recited in claim 41. The second to last paragraph of claim 45 includes the claim limitations recited in original claim 2 of the ‘400 patent. Support for these claim limitations can also be found, for example, at column 4, lines 14-17 of the ‘400 patent.

Newly presented dependent claim 46 depends from independent claim 45. Support for the claim limitations recited in claim 46 can be found at, for example, column 15, lines 43-45 of the ‘400 patent.

Newly presented independent claim 47 recites in the third to last paragraph that “wherein in step c) the fluid is a liquid that is discharged through each one of the orifices at a flow rate of at least 20 gallons per minute,” for which support can be found at, for example, column 10, lines

64-66 of the ‘400 patent. In addition, independent claim 47 recites in its last paragraph that “wherein at least four thousand five hundred pounds of food product per hour is removed in step f),” for which support can be found at, for example, column 16, lines 1-4 of the ‘400 patent.

Newly presented independent claim 48 also recites in the third to last paragraph that “wherein in step c) the fluid is a liquid that is discharged through each one of the orifices at a flow rate of at least 20 gallons per minute,” for which support also can be found at, for example, column 10, lines 64-66 of the ‘400 patent. In addition, independent claim 48 recites in its last paragraph that “wherein there is at least eight inches of depth of food product,” for which support can be found at, for example, column 15, lines 62-65 of the ‘400 patent.

Newly presented independent claim 49 also recites in the third to last paragraph that “wherein in step c) the fluid is a liquid that is discharged through each one of the orifices at a flow rate of at least 20 gallons per minute,” for which support also can be found at, for example, column 10, lines 64-66 of the ‘400 patent. In addition, independent claim 49 recites in its last paragraph that “wherein at least eight thousand pounds of food product per hour is removed in step f),” for which support can be found at, for example, column 14, lines 55-58 of the ‘400 patent.

Newly presented independent claim 50 is the same as claim 47 except that it recites in paragraph a) that there is a “first manifold” and a “second manifold” and that it recites in the third to last paragraph that “wherein in step c) liquid is discharged through each one of the orifices of at least one of the manifolds at a flow rate of at least 20 gallons per minute.”

Corrected Preliminary Amendment – Ser. No. 10/791,694

Reissue of U.S. Patent No. 6,214,400

Page 28 of 34

Conclusion

No fees are believed payable with this communication. However, the Commissioner is hereby authorized to charge payment of any fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,



David D. Stein
Registration No. 40,828

Boyle, Fredrickson, Newholm,
Stein & Gratz, S.C.
250 E. Wisconsin Ave., Ste. 1030
Milwaukee, WI 53202
Telephone: (414) 225-9755
Facsimile: (414) 225-9753
e-mail: dds@boylefred.com

Customer No. 23598